



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,052	02/02/2004	James T. Richardson JR.	M-15345 US	1520
65678 7590 03/17/2009 HAYNES AND BOONE, LLP IP Section 2323 Victory Avenue SUITE 700 Dallas, TX 75219				
EXAMINER NGUYEN, VAN KIM T				
ART UNIT 2456		PAPER NUMBER		
MAIL DATE 03/17/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,052

Applicant(s)

RICHARDSON, JAMES T.

Examiner

Van Kim T. Nguyen

Art Unit

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to communications filed on February 25, 2009. Claims 1-17 are pending in the application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 25, 2009 has been entered.

Response to Arguments

Applicant's arguments filed February 25, 2009 have been fully considered but they are not persuasive.

Regarding claims 1-3, 5-11, and 13-16:

Applicant's essentially argued the claimed matter is directed to an intranet server with a mail facility, while Petry is directed to a management system of email transmission between an initiating mail server and a receiving mail server; and, Petry's EMS can monitor the receiving servers' spooler, but cannot monitor the health or the originating mail server. Examiner respectfully disagrees.

As shown in Figures 1-3, Petry discloses "*E-mail management is commonly handled by ... companies which employs the e-mail users.*" (col. 1: lines 22-24), and "*The mail server 102 in*

one embodiment is owned by ... a private corporation for whom the users work" (col. 5: lines 16-18). It is then obvious, Petry teaches an e-mail management method and system that is applicable to both inter and intra-networking.

Petry also discloses *"In accordance with conventional systems, the transmission direction of the email may also be reversed, where the sending machines and servers become the receiving machines and servers and vice versa."* (col. 5: lines 9-12). Thus, if Petry can monitor the health of the receiving machine, it is obvious Petry can also monitor the health of the originating machine, since the roles of each machine may be reversed. Contrary to Applicant's assertion that "Petry's mail facility 203 coupling between mail server 202 and the Internet" only, Petry teaches *"Although this figure shows the EMS 203 as being physically adjacent to the mail server 202, such placement is only for illustration purposes. The EMS can be located anywhere on the Internet 101... Alternatively, the EMS 203 could possibly run on the same physical machine as the mail server 202."* Thus, if the EMS 203 and mail server 202 run on the same physical machine, it is obvious both of the EMS 203 and mail server 202 will know whether the mail server's spool is non-functional, or that the email was not delivered.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 5-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petry et al (US 6,941,348), hereinafter Petry, in view of Gupta (US 7,093,025).

Regarding claims 1 and 9, Petry discloses an email method comprising the acts of:

(b) verifying normal operation of the email spooler (i.e., Spool Delivery Manager determines whether or not messages should be spooled and the overall condition of the spooler; col. 19: line 60 - col. 20: line 55)

(c) notifying the system administrator regarding the abnormal operation if act (b) verifies that the email spooler is not operating normally (i.e., if the spool size reaches to one of several predefined spool size checkpoints (e.g., 75% of capacity), an alert notification 510 is generated to inform an administrator of conditions regarding their system; col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28);

(d) processing each undeliverable email to determine whether it was returned because of a problem with the email itself or because of a problem with the mail server (i.e., interpret process 350 interacts with data in the traffic monitor to process the message to determine type of error; col. 7: lines 48-67, col. 8: line 57- col. 9: line 25, and col. 16: lines 45-60, Table 1; Figure 8, steps 806-810);

(e) resending the undeliverable email to the intended recipient if act (d) determines that an undeliverable email was returned because of a problem with the mail server (steps 820-832; determining appropriate process to retransmit the message, e.g., to be spooled for later delivery or redirected, etc. ; col. 15: lines 20-26).

Petry discloses substantially all the claimed limitations, except (a) fetching an email address for the intranet web server's system administrator, (b) emailing the notification of an abnormal operation; and (f) sending the undeliverable email to the originating intranet user if an undeliverable email was returned because of a problem with the undeliverable email itself.

Gupta teaches:

(a) fetching an email address for the intranet web server's system administrator (i.e., ARCPT can be used by the system administrator to forward email to another address and an alternative recipient; col. 2: lines 48-53);

(b) emailing the notification (col. 1: lines 39-59); and

(f) in case the system is unsuccessfully in delivering the mail to a specified recipient, the SMTP server can be specified to send a full message with an explanation of the errors to the sender (col. 1: lines 39-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Gupta's method of sending undeliverable email to the original sender or notify an administrator in Petry's email system, in order to keep the sender and the administrator informed of the success/failure of delivering and the condition of the email system.

Claims 2 and 10 are rejected over Petry-Gupta, as applied to claim 1 above. In addition, Petry-Gupta also discloses fetching the email address from a database (Petry: col. 9: lines 26-35).

Claims 3 and 11 rejected over Petry-Gupta, as applied to claim 1 above. In addition, Petry-Gupta also discloses acts (a) through (f) are repeated periodically (e.g., the system can be constantly updating itself and adapt in real-time; Petry: col. 12: lines 10-27).

Claims 5 and 13 are rejected over Petry-Gupta, as applied to claims 1 and 9 above, respectively. In addition, Petry-Gupta also discloses act (b) comprises: examining each email

queued in the email spooler to determine its pendency within the email spooler; and emailing the system administrator regarding this email's pendency if an email's pendency within the email spooler exceeds a normal pendency period (i.e., if the spool size reaches to one of several predefined spool size checkpoints (e.g., 75% of capacity), an alert notification 510 is generated to inform an administrator of conditions regarding their system; Petry: col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28).

Claims 6 and 14 are rejected over Petry-Gupta, as applied to claims 5 and 14 above, respectively. In addition, Petry-Gupta also discloses acts (a) through (f) are repeated periodically, and wherein act (b) further comprises deleting this email from the email spooler and emailing the system administrator that a persistent email spooler problem has been detected if an email has been previously detected as exceeding the normal pendency period (e.g., the system can be constantly updating itself and adapt in real-time; Petry: col. 12: lines 10-27; and if the spool size reaches to one of several predefined spool size checkpoints (e.g., 75% of capacity), an alert notification 510 is generated to inform an administrator of conditions regarding their system; Petry: col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28).

Claims 7 and 15 rejected over Petry-Gupta, as applied to claims 6 and 14 above, respectively. In addition, Petry-Gupta also discloses act (b) further comprises: restarting the email spooler if an email has been previously detected as exceeding the normal pendency period (i.e., to initiate spooling, a SPOOL connection management record must be inserted, thus when the spool connection management record is removed, then the email spooler is in effect, restarted; Petry: col. 20: lines 1-5 and 29-34).

Claims 8 and 16 are rejected over Petry-Gupta, as applied to claims 1 and 9 above, respectively. In addition, Petry-Gupta also discloses acts (a) through (f) are repeated periodically, and wherein act (c) comprises resending the undeliverable email to the intended recipient only if it has not been previously resent to the intended recipient a predetermined number of times (Petry, col. 11: lines 57-67, col. 12: lines 10-27, and col. 14: lines 46-60).

5. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petry-Gupta, as applied to claims 3 and 11 above, respectively, in view of Savchuk (US 2005/0055399).

Petry-Gupta also discloses acts (a) through (f) are repeated (i.e., the system constantly updates itself and adapt to changing loads of electronic message traffic in real-time; Petry: col. 12: lines 10-27). However, Petry-Gupta does not explicitly call for repeating the acts (a) through (f) every 30 minutes.

Savchuk teaches an event spooler which can generate email/SNMP messages and send the original data for processing. In case of network outage, data can be sent for up to 30 minutes, with timeout gradually increasing, and then exited (para 0445). The process is then repeated until data is successfully sent.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Savchuk's spool monitoring method in Petry-Gupta's system, motivated by the need to ensure email application can withstand communication systems problems such as network outages and hardware reboots.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petry-Gupta, in view of Allaire, "ColdFusion, Web Application Server", pages 1-28, 1995-1999.

Petry discloses:

a intranet web server configured to automatically generate email from an intranet user and queue the automatically-generated email in a email spooler from where the automatically-generated email is sent to an SMTP mail server for delivery to an intended recipient, and wherein automatically-generated email that was undeliverable to an intended recipient is returned to the server (i.e., EMS 203, which could run on the same physical machine as SMTP mail server 102, is automated to process incoming messages from sending email server 102a and deliver the messages to receiving mail server 102e. EMS 204 comprises interpreter process 350, which interacts with traffic monitor 340, connection manager 322, email handler 335 and delivery manager 324 to dispose the messages appropriately, e.g., message accept, message reject, message quarantine, message spool, message defer, message redirect, etc.; col. 6: lines 17-36 and 50-66; col. 7: line 5 - col. 10: line 34).

The server being further configured to perform a method comprising the acts of:

(a) verifying that the SMTP mail server is on line (i.e., EMS 203 is active; col. 6: lines 20-31);

If the SMTP mail server is on line:

(c) verifying normal operation of the email spooler (i.e., Spool Delivery Manager determines whether or not messages should be spooled and the overall condition of the spooler; col. 19: line 60 - col. 20: line 55)

(d) notifying the system administrator regarding the abnormal operation if act (b) verifies that the email spooler is not operating normally (i.e., if the spool size reaches to one of several predefined spool size checkpoints (e.g., 75% of capacity), an alert notification 510 is generated to inform an administrator of conditions regarding their system; col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28);

(e) processing each undeliverable email to determine whether it was returned because of a problem with the email itself or because of a problem with the mail server (i.e., interpret process 350 interacts with data in the traffic monitor to process the message to determine type of error; col. 7: lines 48-67, col. 8: line 57- col. 9: line 25, and col. 16: lines 45-60, Table 1; Figure 8, steps 806-810);

(f) resending the undeliverable email to the intended recipient if act (d) determines that an undeliverable email was returned because of a problem with the mail server (steps 820-832; determining appropriate process to retransmit the message, e.g., to be spooled for later delivery or redirected, etc. ; col. 15: lines 20-26).

Petry discloses substantially all the claimed limitations, except (b) fetching an email address for the intranet web server's system administrator, and (g) sending the undeliverable email to the originating intranet user if an undeliverable email was returned because of a problem with the undeliverable email itself.

Gupta teaches:

(b) fetching an email address for the intranet web server's system administrator (i.e., ARCPT can be used by the system administrator to forward email to another address and an alternative recipient; col. 2: lines 48-53); and

(g) in case the system is unsuccessfully in delivering the mail to a specified recipient, the SMTP server can be specified to send a full message with an explanation of the errors to the sender (col. 1: lines 39-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Gupta's method of sending undeliverable email to the original sender or notify an administrator in Petry's email system, in order to keep the sender and the administrator informed of the success/failure of delivering and the condition of the email system.

Petry-Gupta discloses substantially all the claimed limitations, except the web server is a ColdFusion server.

Allaire teaches ColdFusion can be used to dynamically build and send email messages through any SMTP server (§Internet Technology Integration, page 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement ColdFusion in Petry-Gupta's system, motivated by the need of providing an integrated computing environment with a full range of internet protocols and services to support new functionality or connectivity to legacy systems.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen
Examiner
Art Unit 2456

vkn

/Yasin M Barqadle/
Primary Examiner, Art Unit 2456